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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,320	01/26/2001	Alan West	218.1005	7520

7590 01/05/2004

Cary S. Kappel
DAVIDSON, DAVISON & KAPPEL, LLC
14th Floor
485 Seventh Avenue
New York, NY 10018

EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,320

Applicant(s)

WEST ET AL.

Examiner

Ba Huynh

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) 8-18, 58-68, 91 and 92 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 19, 20, 22, 27, 29, 33, 37, 38, 40, 45, 47, 51-54, 69, 70, 72 and 77-89 is/are rejected.
- 7) ☒ Claim(s) 5-7, 21, 23-26, 28, 30-32, 34-36, 39, 41-44, 46, 48-50, 55-57, 71, 73-76 and 90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.

- 4) ☐ Interview Summary (PTO-915) Paper No(s) _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 19-20, 22, 29, 33, 37, 38, 40, 47, 51-54, 69, 70, 72, 77-82, 84-85, 87-88 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent #5,644,738 (Goldman et al).

- As for claims 1, 2, 19, 37, 51, 52, 69, 77, 78, 79, 84, 87: Goldman et al teach a computer implemented method and corresponding apparatus for generating menu/toolbar entities on a graphical user interface, comprising the steps/means for:

providing application(s) which can be displayed in a frame of a graphical user interface (1:30-32; 2:19-27; figure 4), the application(s) having a corresponding set of menu/toolbar, the application being in one of a respective plurality of application states (i.e., context) at any given time (2:30-32), information indicative of an application state characteristic for an application state being contained in a data file (5:6-15), each application characteristic defining a display characteristic of at least one of the set of menu/toolbar entities (2:31-43), and

generating a displayed set of menu/toolbar entities on the GUI based upon the application state characteristic of a current application state (2:51-62; figure 4).

- As for claims 3, 20, 38, 53, 70, 88: Each application has a corresponding data file (application registration, 5:6-15).

Art Unit: 2173

- As for claims 4, 29, 33, 47, 54: The display characteristic is one of enabled and disabled menu/toolbar entities (3:3-17).
- As for claims 22, 40, 72, 82, 85: Each menu has a set of menu items. The toolbar has a set of toolbar items (figure 4; 4:53-67). Each menu/toolbar entity includes a policy (e.g., "AllContexts", 3:3-17).
- As for claims 80, 81: The system condition includes an application gaining focus (2:54-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 45, 83, 86, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,644,738 (Goldman et al).

- As for claims 83, 86, 89: Goldman et al fail to clearly teach that the input entities include checkbox elements. However, since checkbox elements are well known as a specific format of selectable menu items, the implementation would have been obvious to one of skill in the art in light of Goldman's teaching.
- As for claim 27, 45: The system includes a window creation event wherein a window is created and displayed with corresponding context-sensitive menu items (6:65 – 7:14). Destroy, and Focus events are inherently included in Goldman's teaching of interactions

Art Unit: 2173

with application window. Goldman fails to clearly teach the implementation of window or container in Java. However Official notice is taken that implementation Java window or container is well known in computer GUI art. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known Java window or container to Goldman's teaching of window. Motivation of the combine is for the advantage of being portable, robust, and platform-independent of Java language.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 83 is rejected as being a duplicate of claim 86.

Allowable Subject Matter

7. Claims 5-7, 21, 23-26, 28, 30-32, 34-36, 39, 41-44, 46, 48-50, 55-57, 71, 73-76, 90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

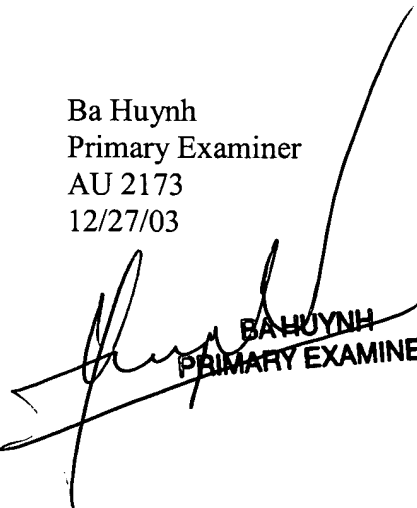
Application/Control Number: 09/770,320

Page 5

Art Unit: 2173

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

Ba Huynh
Primary Examiner
AU 2173
12/27/03


BA HUYNH
PRIMARY EXAMINER